

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 03-80540
HON:AVERN COHN

MICHAEL BROOKS,

Defendant.

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ORDER MODIFYING SENTENCE

This is a criminal case. On September 11, 2007, the Court sentenced defendant to a custody term of 24 months on a supervised release violation; the 24 months was to run concurrently with an anticipated state court sentence. At the time of sentencing, the Court, at defendant's request, did not designate the state facility as the federal facility in which the 24 month sentence was to be served.

Defendant was sentenced on the state offense in the Second Circuit Court, Berrien County, Michigan, on October 22, 2007, to a custody term of 36 months to 240 months; the start date of the sentence was June 15, 2007.

On December 20, 2007, the Court amended the September 11, 2007, sentence to make explicit

The federal sentence shall run concurrent to any state sentence imposed. The state facility shall be designated as a federal facility.

The anticipated release date on the state sentence is June 14, 2010. This is beyond the release date on the federal sentence.

Following the September 11, 2007, sentence, as a matter of form, a detainer was lodged by the U.S. Marshal, Eastern District of Michigan, with the State of Michigan, on the federal sentence to assure that if for any reason defendant was released before completion of the 24 month sentence, defendant would be taken into federal custody to complete the sentence.

The detainer is an impediment to the reduction in the level of custody defendant is being held by the Michigan Department of Corrections on the state sentence. Additionally, it is clear that the 24 month custody sentence imposed by the Court on September 11, 2007, will run out before defendant is released from state custody.

Accordingly, the sentence imposed on September 11, 2007, is REDUCED TO TIME SERVED. An amended judgment shall be entered.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2009

I hereby certify that a copy of the foregoing document was mailed to Michael Brooks, #660800, Pugsley Correctional Facility, 7401 East Walton Road, Kingsley, MI 48649 and the attorneys of record on this date, January 14, 2009, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160